

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, claims 1-3 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Accordingly, claims 1-3 are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Rejection of claims 1 and 3 under 35 U.S.C. §103(a)

With respect to the rejection of claims 1-2 under 35 U.S.C. §103(a) as being unpatentable over Larabell (US 5,641,296) in view of Yen-Kuang (US 6,515,855), Applicant respectfully traverses the rejection at least for the reason that Larabell and Yen-Kuang, combined or separately, fail to teach, disclose, or suggest all of the limitation recited in the rejected claims.

The presently claimed invention as recited in amended claim 1 is directed to a mechanism for rapidly installing or detaching a hard disk into or from a frame. The hard disk installation/detaching mechanism includes a hard disk, a U-shaped handle having two ends pivotally mounted at two sides of the hard disk, wherein the width of the handle is larger than the width of the hard disk, and the handle includes a latch disposed at a front side distal to the two ends of the handle, and a frame for receiving the hard disk, wherein a gap is formed between the hard disk and the frame for receiving the handle while the hard disk being received in the frame, the frame includes an elastic member formed in the frame adjacent to a front end of the frame, and the elastic member includes a projection formed on a side surface of the elastic member and adapted to engage with the latch. In operation, while the hard disk is received in the frame, the handle is pivoted down into the gap between the hard disk and the frame, and the latch of the handle is then engaged with the projection of the elastic member so as to fasten the hard disk in the frame by the handle.

Further, as amended, dependent claim 3 further improves the clarity of the claim language and further distinguish over Larabell and Yen-Kuang by reciting a groove (e.g., element 23 in Figs. 1-4 of the present application) formed on the frame adjacent to the projection of the elastic member for operating the latch of the handle engaged with the projection of the elastic member while the handle being pivoted down into the gap between the hard disk and the frame.

Referring to FIG. 1 of this application for support of the embodiment of claim 1, the mechanism is incorporated in a frame 20 which is adapted to receive a hard disk 10, wherein two ends of a U-shaped handle 13 is pivotally mounted at both sides 11 of the hard disk 10 and the width of the handle 13 is slightly larger than that of the hard disk 10 for permitting the handle 13 to pivot about the hard disk 10. The handle 13 comprises a latch 131 disposed at a front side distal to the two ends of the handle. An elastic member 21 is formed in the frame 20 adjacent to a front end of the frame 20. A rounded projection 211 is formed on a side surface of the elastic member 21, and is capable of fastening the latch 131.

In contrast with Applicant's claimed invention, Larabell generally describes a carrier assembly for connecting a memory storage device with electrical equipment having a slide, which includes a carrier adapted for holding a memory storage device and a folding handle. The folding handle has two arms which normally extend from the carrier. Each arm has an end rotatably attached to the carrier. Each end has a cam member, a biasing member and a locking member. The handle normally stands in an upright position with respect to the carrier, but can rotate to a folded position. The cam member is attached to the end of each arm to urge against the slide to move the carrier with respect to the slide and electrically connect the memory storage device with the electrical equipment when the handle is in the folded position. The locking member attaches to each cam member and engages with the side of the carrier to lock the handle when the handle is in the folded position.

Yen-Kuang generally describes a mechanism for mounting and removing a data storage device, such as detachable hard disk or optical disc driver, into and from a computer, which includes a lever pivotally mounted in the middle front of the data storage device. The mechanism of Yen-Kuang includes an engaging portion formed on one end of the lever, and a guiding rail formed on a carrier to be engaged with the

engaging portion of the lever. The guiding rail is designed to transform the movements of the lever into assistant forces of pushing and pulling the data storage device into and from the carrier. Moreover, the engagement of the lever to the guiding rail restricts the moving speed of the data storage device and prevents it from being bumped or damaged.

Applicant respectfully asserts that Larabell and Yen-Kuang, combined or separately, fail to teach, disclose, or suggest a feature wherein, after the hard disk 10 is installed in the frame 20, the handle 13 is able to pivot down and be pressed into a gap 15 between the hard disk 10 and the frame 20, and the latch 131 of the handle 13 is then engageable with the projection 211 of the frame 20 so as to fasten the sides 11 of the hard disk 10 by the frame 20 and the handle 13. More specifically, Larabell and Yen-Kuang fail to teach, disclose, or suggest the feature wherein, while the hard disk is received in the frame, the handle is pivoted down into the gap between the hard disk and the frame, and the latch of the handle is then engaged with the projection of the elastic member so as to fasten the hard disk in the frame by the handle, as recited in amended claim 1.

Further, Larabell and Yen-Kuang, separately or combined, fail to teach, disclose, or suggest a groove formed on the frame adjacent to the projection of the elastic member for operating the latch of the handle engaged with the projection of the elastic member while the handle being pivoted down into the gap between the hard disk and the frame, as recited in amended claim 3 of the present invention. The Examiner contends that element 6 “shows a groove around the projection”, as described in Fig. 2 and col. 4, lines 43-53 of Yen-Kuang. However, according to Yen-Kuang, element 6 of Yen-Kuang is a latch installed on the front panel 32 of the data storage device 3 for locking a fastening portion 43 formed on the lever 4. Accordingly, Applicant respectfully asserts that there is no structural or functional equivalence of the features of claim 3 of the present invention with element 6 and a “groove around the projection” as contended by the Examiner.

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the

reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Further, according to MPEP §2141(I), Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. The Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

Moreover, according to MPEP §2141(II), when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

As Larabell and Yen-Kuang, combined or separately, fail to teach, disclose, or suggest all of the features claims 1 and 3, the Examiner's reliance on Larabell and Yen-Kuang in the rejection is improper, and tenets A-D have not been adhered to in the rejection of claims 1 and 3.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claims 1 and 3.

3. Rejection of claim 2 under 35 U.S.C. §103(a)

With respect to the rejection of Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Larabell and Yen-Kuang, and further in view of Chang (US 5,947,572), Applicant respectfully traverses the rejection at least for the reason that Larabell, Yen-Kuang, and Chang combined or separately, fail to teach, disclose, or suggest all of the limitation recited in the rejected claim, and for the reason set forth above in relation to the rejection of claims 1 and 3 above.

Chang generally describes a hard disk drive (HDD) drawer including an outer casing fixed inside a computer and an inner casing which receives an HDD therein. The outer casing of Chang has two opposite side walls defining an open front end for removably receiving the inner casing therein. Each of the side walls has a guide slot extending from the front opening to an inner end and a second slot extending from the inner end of the guide slot to a top side of the outer casing in a direction substantially normal to the guide slot. The second slot has two opposite walls.

Further, in the hard disk drive of Chang, the inner casing has a handle having two side limbs pivoted thereto to allow the handle to be rotatable between an insertion position and a securing position. The handle limbs are slidably receivable in the guide slots of the outer casing for inserting the inner casing into the outer casing. The handle limbs and the guide slots and the second slots are configured and dimensioned so that when the handle is rotated between the insertion position and the securing position, an inner end of the limbs is brought into contact engagement with one of the walls of the second slots for serving as a fulcrum point in a lever system wherein the pivot of the handle serves as the reaction point and the handle which is held by a computer user is the force application point. With such a lever system, the insertion and withdrawal of the inner casing is enhanced.

However, similar to Larabell and Yen-Kuang, Chang is also deficient in the feature wherein, while the hard disk is received in the frame, the handle is pivoted down into the gap between the hard disk and the frame, and the latch of the handle is then engaged with the projection of the elastic member so as to fasten the hard disk in the frame by the handle, as recited in amended claim 1.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claim 2 over Larabell, Yen-Kuang and Chang.

4. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-3 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

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Respectfully submitted,



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